

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
JONESBORO DIVISION**

TRI STATE ADVANCED SURGERY  
CENTER, LLC, GLENN A. CROSBY II, M.D.,  
F.A.C.S., and MICHAEL HOOD, M.D.

PLAINTIFFS

v.

No. 3:14cv143-JM

HEALTH CHOICE, LLC and  
CIGNA HEALTHCARE OF TENNESSEE, INC.

DEFENDANTS

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CONNECTICUT GENERAL LIFE INSURANCE  
COMPANY, CIGNA HEALTH AND LIFE  
INSURANCE COMPANY, AND CIGNA  
HEALTHCARE OF TENNESSEE, INC.

COUNTERCLAIM-PLAINTIFFS

v.

SURGICAL CENTER DEVELOPMENT, INC D/B/A  
SURGCENTER DEVELOPMENT and TRI STATE  
ADVANCED SURGERY CENTER, LLC

COUNTERCLAIM-DEFENDANTS

**ORDER**

A hearing was held on March 29, 2016 on the motion for miscellaneous discovery relief filed by Surgery Center Development, Inc. (“SurgCenter”), Tri State Advanced Surgery, LLC (Tri State) and Doctors Crosby and Hood (Docket No. 138). The motion was opposed by Cigna Healthcare of Tennessee, Inc., Cigna Health and Life Insurance Company, and Connecticut General Life Insurance Company (collectively “Cigna”). As stated on the record, that motion is denied.


Counsel for SurgCenter, Tri State, and Doctors Crosby and Hood are seeking access to discovery materials produced pursuant to a protective order in *Arapahoe Surgery Center, LLC, et al. v. Cigna Healthcare, Inc., et al.*, Case No. 1:13cv3442 (D. Colo) (“*Arapahoe*”). While counsel for the parties to the *Arapahoe* protective order could themselves have consented to the

relief requested by the movant's at this time, and have done so in another action involving these parties in Maryland, the Court is unwilling to order this result over Cigna's objection.

Furthermore, the request is untimely and would place additional burdens on Cigna's preparations in this matter to expand the scope of documents in this case to include those confidential documents produced in *Arapahoe*.

For these reasons, the motion for miscellaneous discovery relief (Docket No. 138) is DENIED.

IT IS SO ORDERED this 31st day of March, 2016.

  
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James M. Moody Jr.  
United States District Judge